

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
SPECIAL EXCEPTION * ZONING COMMISSIONER
SW/S Reisterstown Road @ city *
line, opposite Glenlyle Avenue * OF BALTIMORE COUNTY
7002 Reisterstown Road *
3rd Election District * Case No. 93-17-SPHX
2nd Councilmanic District *
(Colonial Village Shopping Center)
Colonial Village Company *
Petitioner *

AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

WHEREAS, the above captioned matter originally came before the Zoning Commissioner as a Petition for Special Hearing and a Petition for Special Exception for that property known as 7002 Reisterstown Road (Colonial Village Shopping Center); and,

WHEREAS, within the Petition for Special Hearing, the property owner sought (1) a determination that a banquet room is a permitted accessory use to a restaurant and the component use areas can be calculated separately to determine required parking, in lieu of a single use calculation and, (2) an amendment to the variance granted in case No. 85-337-A by permitting 215 spaces, in lieu of the required 304 spaces, but not including 28 spaces provided in Baltimore City or, in the alternative, permitting 215 spaces, in lieu of the required 320 spaces, but not including 28 spaces provided in Baltimore City if component use areas cannot be calculated separately to determine required parking; and,

WHEREAS, by Order dated September 22, 1992, the Petitions for Special Hearing and Special Exception were granted, for the reasons which were more fully set forth in the Findings of Fact and Conclusions of Law issued on that date; and,

WHEREAS, no appeal was taken from the Order issued by the Zoning Commissioner on September 22, 1992; and,

WHEREAS, it has come to the attention of the Zoning Commissioner that although the Order granted the Petitions for Special Hearing and Special Exception and affirmatively approved a theatre in a B.L. zone and determined that a banquet room is a permitted accessory use to a restaurant, and the component use areas thereof can be calculated separately to determine required parking, the Order failed to specifically address that portion of the special hearing related to the amendment of the parking variance granted in case No. 85-337-A, notwithstanding the discussion of same within the body of the Findings of Fact and Conclusions of Law; and,

WHEREAS, for the proper administration of that Order same should be amended to fully address all issues presented.

NOW, THEREFORE, it is ordered by the Zoning Commissioner for Baltimore County this 15th day of December, 1992 that the Order dated September 22, 1992 be and is hereby amended, by the addition of the following language immediately after that portion of the Order granting the Petition for Special Exception.

"IT IS FURTHER ORDERED that the Petition for Special Hearing seeking an amendment of the variance granted in case No. 85-337-A by permitting 215 spaces, in lieu of the required 304 spaces, but not including 28 spaces provided in the Baltimore City portion of the site, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking an amendment of the variance granted in case No. 85-227-A by permitting 215 spaces, in lieu of the required 320 spaces, but not including 28 spaces provided in the Baltimore City portion of the site if component use areas cannot be calculated separately to determine required parking, is DENIED, as moot, for the reasons set forth herein"; and,

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IT IS FURTHER ORDERED that that the Findings of Fact and Conclusions of Law and Order previously rendered in the above captioned case dated September 22, 1992 be and is hereby ratified and incorporated herein except as expressly changed by this Amended Order; and,

IT IS FURTHER ORDERED any appeal from this Amended Order must be filed within thirty days from the date hereof, in accordance with the applicable provisions of law.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 - Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-486

December 2, 1992

Newton A. Williams, Esquire
Nolan, Plumhoff and Williams, CHD
700 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Amended Petition for Special Hearing and Special Exception
Case No. 93-17-SPHX
Colonial Village Company, Petitioner

Dear Mr. Williams:

Enclosed please find a copy of the Amended Findings of Fact and Conclusions of Law rendered in the above captioned matter.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn

att:

cc: Mr. Robert Pollokoff
Mr. George Gavrellis
Mr. Steven Block

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
SPECIAL EXCEPTION * ZONING COMMISSIONER
SW/S Reisterstown Road @ city *
line, opposite Glenlyle Avenue * OF BALTIMORE COUNTY
7002 Reisterstown Road *
3rd Election District * Case No. 93-17-SPHX
2nd Councilmanic District *
(Colonial Village Shopping Center)
Colonial Village Company *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and Petition for Special Exception for that property known as 7002 Reisterstown Road. The property is more well known as the Colonial Village Shopping Center. The site is located along the heavily commercialized corridor of Reisterstown Road and a portion of the parking lot on site straddles the Baltimore City/Baltimore County line.

Within its Petition for Special Exception, the Petitioner seeks approval to permit a theatre in a B.L. zone, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.). The "theatre" use proposed is actually a service business known "Once Upon A Birthday". This business is located within the shopping center and provides facilities to the public to host children's birthday parties. As to the special hearing, the Petitioner seeks a determination, pursuant to Section 500.7 of the B.C.Z.R., that a banquet room is a permitted accessory use to a restaurant and that component use areas thereof can be calculated separately to determine required parking in lieu of the single use calculation. If the special hearing is granted, the Petitioner further seeks an amendment of the variance granted in case No. 85-337-A to permit 215 spaces, in lieu of the required 304 spaces, not including 28 parking spaces situated in that portion of the

site located in Baltimore City. If the special hearing is denied and a banquet room is not an accessory use, then the Petitioner seeks an amendment of the variance granted in case No. 85-337-A by permitting 215 parking spaces, in lieu of the required 320 spaces. Again this does not include 28 spaces provided in the City portion of the site. All of the relief requested is more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petitions for Special Hearing and Special Exception.

The Petitioner/property owner, Colonial Village Company, by its representative, Robert G. Pollokoff, appeared, testified and was represented by Newton A. Williams, Esquire. Also appearing was George E. Gavrellis of Daft, McCune and Walker, the Planner who has assisted the Petitioner in the preparation of the site plan, and Steven Block, a resident of the adjacent Colonial Village residentia' subdivision. Mr. Block appeared in support of the Petition, so long as appropriate restrictions, as outlined herein, were adopted.

Mr. Pollokoff testified and presented the plan. The subject site is 4.1 acres in area and zoned B.L. It serves as the site of the Colonial Village Shopping Center, a commercial use which has been at this location for some time. At one time, the property housed the old Silber's Bakery. However, it has been converted to retail/service shopping center since the demise of that company. The site is being redeveloped and refurbished as part of the general renovation of the Reisterstown Road commercial corridor. The Petitioner proposes redevelopment and use of the subject site, as more particularly shown on the site plan.

Turning first to the Petition for Special Exception, one of the proposed uses in the shopping center will be a facility known as "Once Upon A Birthday". This facility caters to the children's birthday market by pro-

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viding a location and entertainment for children's birthday parties. Particularly, the facility will provide space for games, shows and other similar functions. The parents will lease the facility for a morning or an afternoon as a place where their children may celebrate their birthdays with friends and family.

As the Petitioner particularly notes, a specified use for what is proposed is not identified within the B.C.Z.R. After a close reading of all of the uses identified therein, the Petitioner suggests that a theatre is most similar to what is proposed. Thus, the Petitioner requests a special exception to permit such a use on site.

Although "theatre" is not defined in the definitional section of the B.C.Z.R. (Section 101), an examination of the proposed use convinces me that the facility known as "Once Upon A Birthday" is, in fact, a theatre as that term is contemplated by the drafters of the B.C.Z.R. Although the proposed use does not show motion pictures, nor provide a forum for the fine arts, it does provide similar entertainment facilities for a large number of individuals. Thus, I am persuaded that the proposed use fits squarely with the concept of a theatre and thus would be permitted as a special exception within a B.L. zone, pursuant to Section 230.13 of the B.C.Z.R.

Further, it is clear that the proposed use will not be detrimental to the primary uses and other commercial uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that

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the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 291 Md. 1, 432 A2d 1319 (1981).

The proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted, with certain restrictions as more fully described below. Further, it is equally clear that only the specified use should be permitted. A theatre, as commonly perceived, (e.g., a motion picture house, stage, etc.) may detrimentally effect the surrounding locale. Thus, the granted special exception will permit only the proposed "Once Upon A Birthday" use.

Consideration of the special hearing presents a different issue. Testimony and evidence presented was that one of the uses within the shopping center is known as the Royal Restaurant. This restaurant serves the Orthodox Jewish community by providing kosher food. In fact, testimony presented was that the Royal Restaurant was one of the few facilities in the Baltimore Metropolitan area which satisfies the strict tenets of the Jewish faith as they relate to the preparation of kosher meals. It was also noted that the restaurant is closed during the Jewish Sabbath which

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ORDER RECEIVED FOR FILING
Date 12/15/92
By Mr. G. B. Smith

ORDER RECEIVED FOR FILING
Date 12/15/92
By Mr. G. B. Smith

ORDER RECEIVED FOR FILING
Date 12/15/92
By Mr. G. B. Smith

ORDER RECEIVED FOR FILING
Date 12/15/92
By Mr. G. B. Smith

begins Friday at sundown and continues until Saturday at sundown. Therefore, this use will not be open during a peak time period for many of the other uses on site. The Petitioner also presented testimony that in addition to regular restaurant seating, the Royal Restaurant provides facilities for banquet functions such as a Bar Mitzvahs and other religious celebrations. The special exception presented requested a determination as to whether the banquet room is a permitted accessory use to a restaurant and whether the said banquet area can be calculated separately to determine the required parking, in lieu of the single use calculation.

In considering the question presented, I am persuaded that, in this instance, the special hearing should be granted. The testimony and evidence presented were convincing that the parking requirements for the banquet facilities should be computed separately. This conclusion is based, in large part, on the fact that the facility provides a needed and distinctive service to a particular segment of the community. That is, this is one of the few places where the Orthodox Jewish Community can hold their functions and celebrations.

Having reached this conclusion, consideration must then be given to an amendment of the variance granted in case No. 85-337-A by permitting 215 parking spaces in lieu of the required 304. Testimony and evidence presented on this issue was equally clear that the amendment to the variance should be granted. It is particularly noted that the Office of Planning and Zoning recommends approval of the Petition in this respect. Relocation of the Royal Restaurant to that portion of the shopping center shown, as well as installation of the "Once Upon A Birthday" theatre, will help spread parking throughout the facility and utilize a heretofore neglected

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parking area in the southern portion of the site. For this reason, I am persuaded that the variance should be amended and I will so order.

Notwithstanding my decision to grant the special hearing and special exception, as provided above, an additional comment is in order regarding certain other issues generated. First, it is to be noted that a comment was received from Traffic Engineering regarding that office's concerns over the presented Petitions. It is first to be noted that the existing Dunkin Donuts facility is not a portion of this site; thus any comments related thereto are inapplicable. Secondly, in response to direct questioning by me, a representative of the management company which operates this facility indicates that the scheme for the loading areas serving this Center is workable. Additionally, certain changes have been made to the site plan to accommodate the movement of tractor trailers on site. Based upon these changes and the evidence presented, I am persuaded that the concerns set forth within those comments from the Bureau of Traffic Engineering have been satisfied.

Further, the Petitioner has agreed to certain recommendations proposed by Mr. Block, on behalf of the local community association. Those restrictions will eliminate any potential detrimental effect on the uses at this site on the surrounding locale. These include; (a) that the Royal Restaurant banquet facilities will not be used any later than 12:01 A.M.; and (b) that all employee parking will be directed towards those spaces located in Baltimore City so as to make available to the shopping center patrons those spaces immediately adjacent to the retail and service stores. In fact, the Petitioner testified that his leases already require tenants to direct their employees to utilize these spaces. Both of these restrictions are appropriate and shall, therefore, be incorporated within my Order.

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Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 22nd day of Sept. 1992, that the Petition for Special Exception seeking approval to permit a theatre in a B.L. zone, pursuant to Section 230.13 of the B.C.Z.R., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking a determination, pursuant to Section 500.7 of the B.C.Z.R., that a banquet room is a permitted accessory use to a restaurant and that component use areas thereof can be calculated separately to determine required parking, in lieu of the single use calculation, all in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED; subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The hours of operation of the banquet facility at the Royal Restaurant shall be restricted so as to prohibit any events at said facility after 12:01 A.M.
3. The Petitioner shall make reasonable efforts, including the insertion of the appropriate language within any leases between it and its tenants to provide that employee parking shall be in those spaces within Baltimore City and, in any event, not within the spaces immediately adjacent to the retail and service stores.

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4. The Special Exception granted herein shall be specifically limited to that retail/service operation known as "Once Upon A Birthday" and shall not be used as the basis to permit a Motion picture house, stage, or similar use.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING
Date 9/22/92
By M. Block

ORDER RECEIVED FOR FILING
Date 9/22/92
By M. Block

ORDER RECEIVED FOR FILING
Date 9/22/92
By M. Block

ORDER RECEIVED FOR FILING
Date 9/22/92
By M. Block

-8-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 18, 1992

Newton A. Williams, Esquire
Nolan, Plunhoff and Williams, CHTD
700 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing and Special Exception
Case No. 93-17-SPHX
Colonial Village Company, Petitioner

Dear Mr. Williams:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Special Exception have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

LES:mmm
att.
cc: Mr. Robert Poliookoff
Mr. George Gavrellis
Mr. Steven Block

Petition for Special Hearing 19

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve for the Colonial Village Center at 7002 Reisterstown Road the attached relief.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:
Newton A. Williams, Esquire
NOLAN, PLUNHOFF & WILLIAMS, CHTD
(Type or Print Name)

700 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204
City and State

Attorney's Telephone No.: 823-7800

Legal Owner(s):

Colonial Village Company

(Type or Print Name)

Signature

JOEL FEDDER

(Type or Print Name)

Signature

Fedder Management

514 N. Crain Highway

Glen Burnie, Maryland 21061

City and State

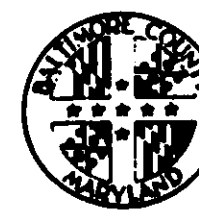
Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Newton A. Williams

700 Court Towers

210 W. Pennsylvania Avenue 823-7800

Towson, Maryland 21204 Phone No.



OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING - 1/2HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHERS
REVIEWED BY: [Signature] DATE 9/22/92



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 7002 Reisterstown Road
which is presently zoned BL

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a theatre in a BL Zone (Section 230.13)

(SEE ATTACHED)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zip

Attorney for Petitioner:

Newton A. Williams, Chtd.

NOLAN, PLUNHOFF & WILLIAMS, CHTD

(Type or Print Name)

700 Court Towers

210 W. Pennsylvania Avenue

Towson, Maryland 21204

City

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner:

Colonial Village Company

(Type or Print Name)

Signature

JOEL FEDDER

(Type or Print Name)

Signature

Fedder Management

514 N. Crain Highway

Glen Burnie, Maryland 21061

City, Address and phone number of legal owner, contract purchaser or representative to be contacted

Newton A. Williams

700 Court Towers 823-7800

210 W. Pennsylvania Ave.

Towson, MD 21204

City, Address and phone number of legal owner, contract purchaser or representative to be contacted

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Towson, MD 21204

City, Address and phone number of legal owner, contract purchaser or representative to be contacted

Newton A. Williams

700 Court Towers 823-7800

210 W. Pennsylvania Ave.

Towson, MD 21204

Special Hearing

1. Pursuant to 500.7 to determine that a banquet room is a permitted accessory use to a restaurant, and that component use areas can be calculated separately to determine required parking in lieu of a single use calculation.
2. To amend the variance granted in Case 85-337A by:
 - a. Permitting 215 spaces in lieu of the required 304 spaces, but not including 28 spaces provided in the city portion of the site, or in the alternative;
 - b. Permitting 215 spaces in lieu of the required 320 spaces, but not including 28 spaces provided in city portion of the site if component use areas cannot be calculated separately to determine required parking.
3. Special Exception pursuant to Section 230.13 to permit a theater in a B.L. zone.

REASONS FOR REQUESTED RELIEF

1. The Colonial Village Center Village Center is the southern anchor for Reisterstown Road and Pikesville, and its health and vitality are vital to the community.
2. That the restaurant/banquet use generates between 90 to 106 spaces, but in reality, it is primarily used for a moderate sized kosher restaurant serving the religious dining needs of the area.
3. That part of the center lies in the City and provides 28 parking spaces available, but not counted in the variance.
4. That without the requested zoning relief, including the variance the Petitioner will sustain practical difficulty and unreasonable hardship.
5. That the requested relief and variance is in harmony with the spirit and intent of the Regulations, and will not harm and will foster the health, safety and welfare of the area involved.

1652C

93-17-SPHX
19

Description to Accompany Petition for Zoning Variance

4.1 Acre Parcel, Colonial Village Company Property
Southwest Side of Reisterstown Road at Glenlyle Avenue
Third Election District, Baltimore County, Maryland



Land Planning
Environmental Services
Landscape Architecture
Computer Technology
Engineering
Surveying GIS

Beginning for the same at the intersection of the southwest side of the right-of-way for Reisterstown Road, 66 feet wide, with the western boundary line of Baltimore City as established in 1918, and running thence binding on the said southwest right-of-way line of Reisterstown Road (1) South 47 degrees 28 minutes 30 seconds East 104.97 feet, thence leaving the said right-of-way and running the following five courses (2) South 42 degrees 31 minutes 30 seconds West 100 feet, thence (3) South 47 degrees 28 minutes 30 seconds East 125 feet, thence (4) South 42 degrees 27 minutes West 447.49 feet, thence (5) North 11 degrees 14 minutes 50 seconds West 694.81 feet, thence (6) North 42 degrees 31 minutes 30 seconds East 136.86 feet to the southwest right-of-way line of Reisterstown Road, thence binding on the southwest side of said right-of-way (7) South 47 degrees 28 minutes 30 seconds East 329.80 feet to the place of beginning; containing 4.1 acres, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

July 21, 1992

July No. 90138.A



A Team of Land Planning, Environmental & Engineering Professionals Providing Complete Site Services & Development Solutions

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: 8/10/92
Posted for: Special Exception to Zoning Ordinance
Petitioner: Colonial Village Company
Location of property: 545 Reisterstown Rd. (7002) at City Line
Location of Sign: Along road, on property of Petitioner
Remarks: _____
Posted by: Michael S. Williams Date of return: 8/14/92
Number of Signs: 2

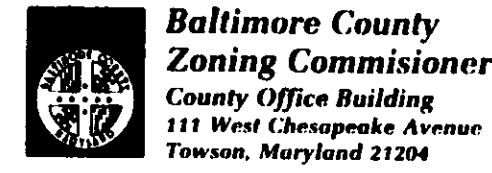
CERTIFICATE OF PUBLICATION

TOWSON, MD., Aug 7, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 6, 1992

THE JEFFERSONIAN,

S. Zehe O'Brien
Publisher



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date: _____ Account: R 001 6150
Number: _____

PAID PER HAND-WRITTEN RECEIPT DATED 7/22/92

7/22/92 H9300019
PUBLIC HEARING FEES QTY PRICE
040 - SPECIAL HEARING (OTHER) 1 X \$250.00
050 - SPECIAL EXCEPTION 1 X \$300.00
TOTAL: \$550.00
LAST NAME OF OWNER: COLONIAL VILLAGE

Please Make Checks Payable To: Baltimore County

Cashier Validation

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 107530

DATE: 7/22/92 ACCOUNT: R 001 6150
AMOUNT: \$ 550.00

RECEIVED FROM: Colonial Village Company

FOR: County of Baltimore, Office of Finance

DEBITOR: _____ VALIDATION OR SIGNATURE OF CASHIER: _____

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 107576

DATE: 7/19/92 ACCOUNT: R 001 6150
AMOUNT: \$ 100.00

RECEIVED FROM: Colonial Village Company

FOR: County of Baltimore, Office of Finance

DEBITOR: _____ VALIDATION OR SIGNATURE OF CASHIER: _____

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 8/10/92

Colonial Village Company
Federal Management
514 N. Crain Highway
Glen Burnie, Maryland 21061

RE: CASE #93-17-SPHX (Item 19)
54/5 Reisterstown Road at city line, opposite Glenlyle Avenue
7002 Reisterstown Road (Colonial Village Shopping Center)
3rd Election District - 2nd Councilmanic
Petitioner(s): Colonial Village Company
HEARING: TUESDAY, SEPTEMBER 1, 1992 at 10:00 a.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 102.62 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Please use the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Arnold Jarlow
ARNOLD JARLOW
DIRECTOR

cc: Newton A. Williams, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 30, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #93-17-SPHX (Item 19)
54/5 Reisterstown Road at city line, opposite Glenlyle Avenue
7002 Reisterstown Road (Colonial Village Shopping Center)
3rd Election District - 2nd Councilmanic
Petitioner(s): Colonial Village Company
HEARING: TUESDAY, SEPTEMBER 1, 1992 at 10:00 a.m. in Rm. 118, Old Courthouse.

Special Exception to permit a theater in a B.L. zone.
Special Hearing to determine that a banquet room is permitted accessory use to a restaurant and that component use areas can be calculated separately to determine required parking in lieu of a single use calculation; and to amend the variances granted in case #85-337-A by permitting 215 spaces in lieu of the required 304 spaces, but not including 28 spaces provided in the city portion of the site, or in the alternative, permitting 215 spaces in lieu of the required 320 spaces, but not including 28 spaces provided in city portion of the site if component use areas cannot be calculated separately to determine required parking.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Colonial Village Company, c/o Federal Management
Newton A. Williams, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

August 28, 1992

(410) 887-3353

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams
700 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No. 19, Case No. 93-17-SPHX
Petitioner: Colonial Village Company
Petition for Special Hearing

Dear Mr. Williams:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 22th day of July, 1992

Arnold Jarlow
ARNOLD JARLOW
DIRECTOR

Received By:

W. Carl Richards, Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Colonial Village Company, et al
Petitioner's Attorney: Newton A. Williams

7704-92
JW

✓ 93-17-A 9-1-92

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: August 24, 1992

SUBJECT: Colonial Village Shopping Center

INFORMATION:
Item Number: 19

Petitioner: Colonial Village Company

Property Size: 4.1 acres

Zoning: BL

Requested Action: Special Exception, Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:
The petitioner is requesting a Special Exception to permit a theater in a BL zone and a Special Hearing to determine that a banquet room is a permitted accessory use to a restaurant and to amend the variance granted in case 85-337A.

The Office of Planning and Zoning recommends that the petitioner's request be APPROVED.

The Colonial Village Shopping Center is the Eastern anchor of the Pikesville Revitalization District. This office supports efforts to retain and expand existing businesses in the Pikesville Revitalization District.

The Office of Planning and Zoning's area planner made a site visit and found that there were 68 underutilized parking spaces in the rear of this shopping center with a breezeway connecting this parking area to the shopping center. By allowing the Royal Restaurant and Banquet Room and Once Upon a Birthday to operate in this portion of the shopping center there will be an opportunity to encourage use of the existing underutilized parking area and free up parking spaces in the front for other customers.

Prepared by: _____

Division Chief: Ernie McDaniel


PM/EMc:rdn

RECEIVED
AUG 26 1992
ZONING OFFICE

19.ZAC/ZAC1

7376 20
8

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21204-5500

(410) 887-4500

AUGUST 6, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RECEIVED
AUG 10 1992

ZONING OFFICE

RE: Property Owner: COLONIAL VILLAGE COMPANY
Location: #7002 REISTERSTOWN ROAD
Item No.: + 19 (JLL) Zoning Agenda: AUGUST 3, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Carl Jerry Reiser Noted and
Planning Group Approved
Special Inspection Division Fire Prevention Bureau

SECTION 409.6.A - PARKING REQUIREMENTS FOR USES NOT ENUMERATED IN B.C.2.R.

[illegible]



August 26, 1992

Mr. Lawrence C. Schmidt
Zoning Commissioner
Baltimore County
Old County Court House, Room 113
Towson, MD 21204

RE: Case No. 93-17 SPHX
Owner: Colonial Village Co.
Location: 7002 Reisterstown Road
Colonial Village Shopping Center



Dear Mr. Schmidt:

The Pikesville Chamber of Commerce thru its Zoning Committee has carefully reviewed the request for an amendment of a variance granted in Case 85-337 and a Special Exception pursuant to Section 230.13 to permit a theater in a B. L. Zone, submitted by the owners of the above-referenced property.

On August 21, 1992, the committee met with Mr. Robert Pollokoff, a principal in the firm which owns the property, to discuss their requests in detail.

The committee concluded that the Chamber of Commerce can support the requests as outlined in their petition. Our support, however, is conditional on the owners by covenant agreeing to the following:

1. Monitoring and enforcing employees to park their cars in a designated area;
2. In the event the current use of the area designated as "Theater", i.e., "ONCE UPON A BIRTHDAY", shall cease for a period of ninety (90) days, then in the event the area so designated shall revert to the then current zoning classification at that location.

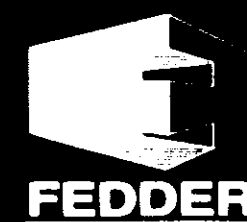
Very truly yours,

David Upholder
David Upholder
President

DU/bbd

cc PCC Zoning Committee
Mr. Robert Pollokoff
Fedder Management

SDPCC



September 2, 1992

Newton Williams
210 W. Pennsylvania Ave.
Suite 700
Towson, MD 21204

Dear Newton:

Enclosed please find the receipt from the Baltimore County Office of Finance, please forward this to the Zoning Office.

Very truly yours,

FEDDER MANAGEMENT CORPORATION

Robert G. Pollokoff
Robert G. Pollokoff
Vice President

RGP/alh

THE FEDDER COMPANY • FEDDER MANAGEMENT CORPORATION

Real Estate Development and Management
514 N. CRAIN HIGHWAY GLEN BURNIE, MARYLAND 21061 (410) 768-4100 FAX (410) 768-2388

TRANSMITTAL



DAFT-McCUNE-WALKER, INC.
Land Planning Consultants
Landscape Architects
Engineers & Surveyors

200 East Pennsylvania Avenue
Towson, Maryland 21204
Telephone: (410) 296-3333

To: John L. Lewis

Date: 7/22/93

ZADM

Job no.: 9013BA

County Office Building
1st Floor

Attention:

Reference: Colonial Village Shopping Center

Gentlemen:

We are sending you

☐ Shop drawings

☐ Specifications

☐ attached

☐ Samples

☐ under separate cover

☒ via *Carry*

☐ Plans

☐ corrected prints

☐ copies for approval

☐ copies for distribution

☐ returned for corrections

☐ Return

☐ For review and comment

☐ Approved as submitted

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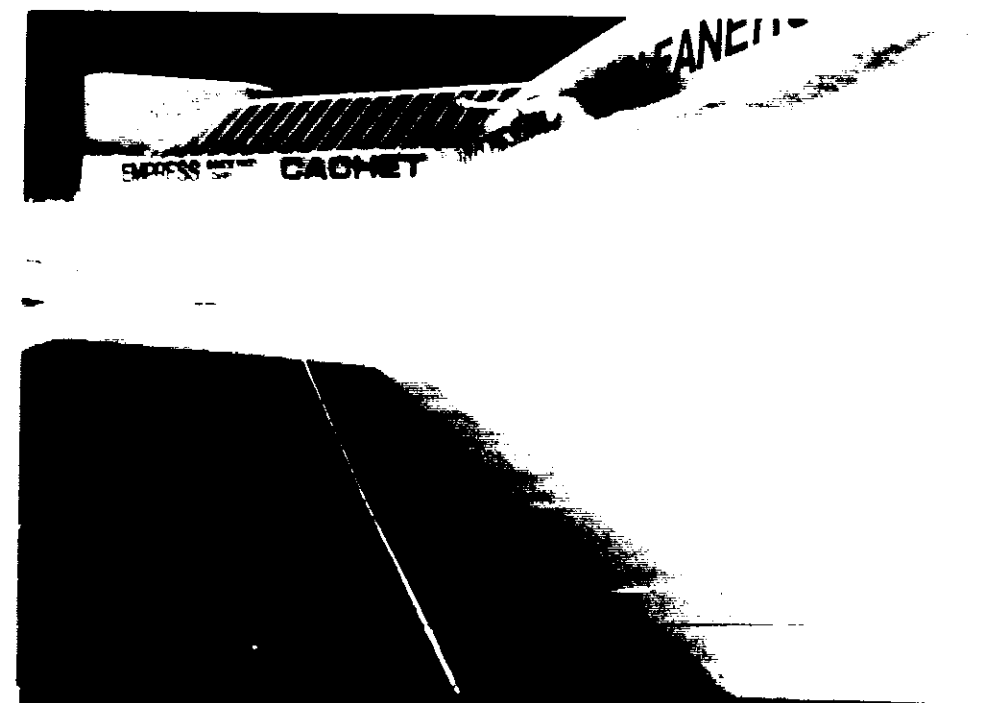
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☐ For review and comment

☐ Approved as submitted

☐ Approved as noted

☐ Returned for corrections



H. Sidewalk and facade

I. Looking South along W/S of Reist. Rd.

Colonial Village



H. Looking North, Reistertown Road on right



J. Trees along Reist. Rd.

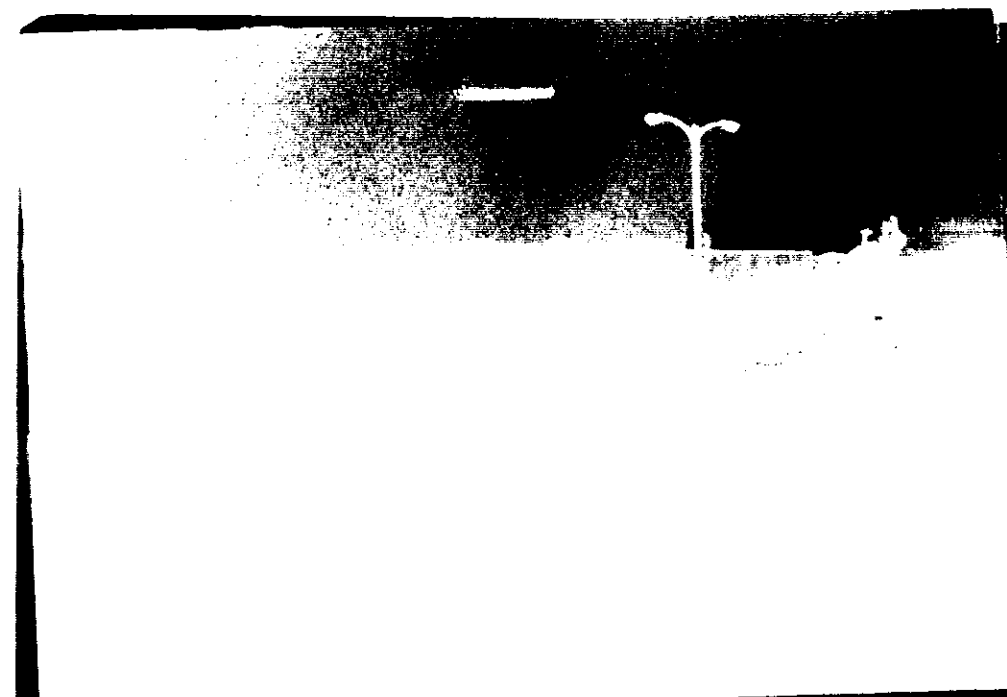
L. Present Royal Restaurant location



Colonial Village



K. Looking N along store fronts



M. Lightly used lot at SW/C of site and Once Upon A Birthley

O. Looking S from Royal Restaurant proposed area thru Brezeway.

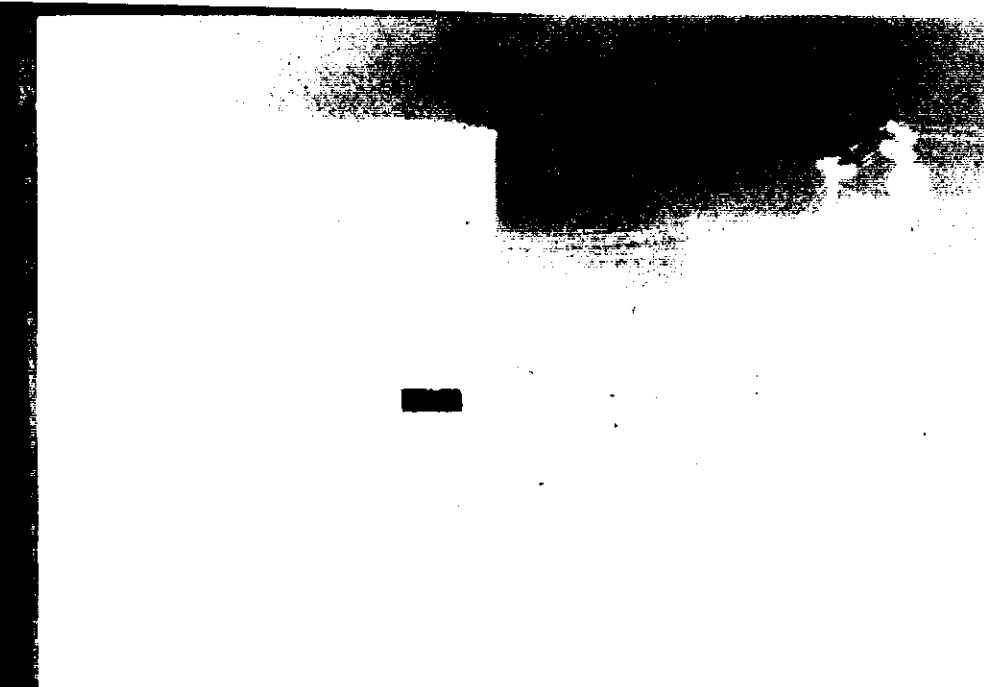


N. Entrance to lower level Once Upon A Birthley & Brezeway steps on Right

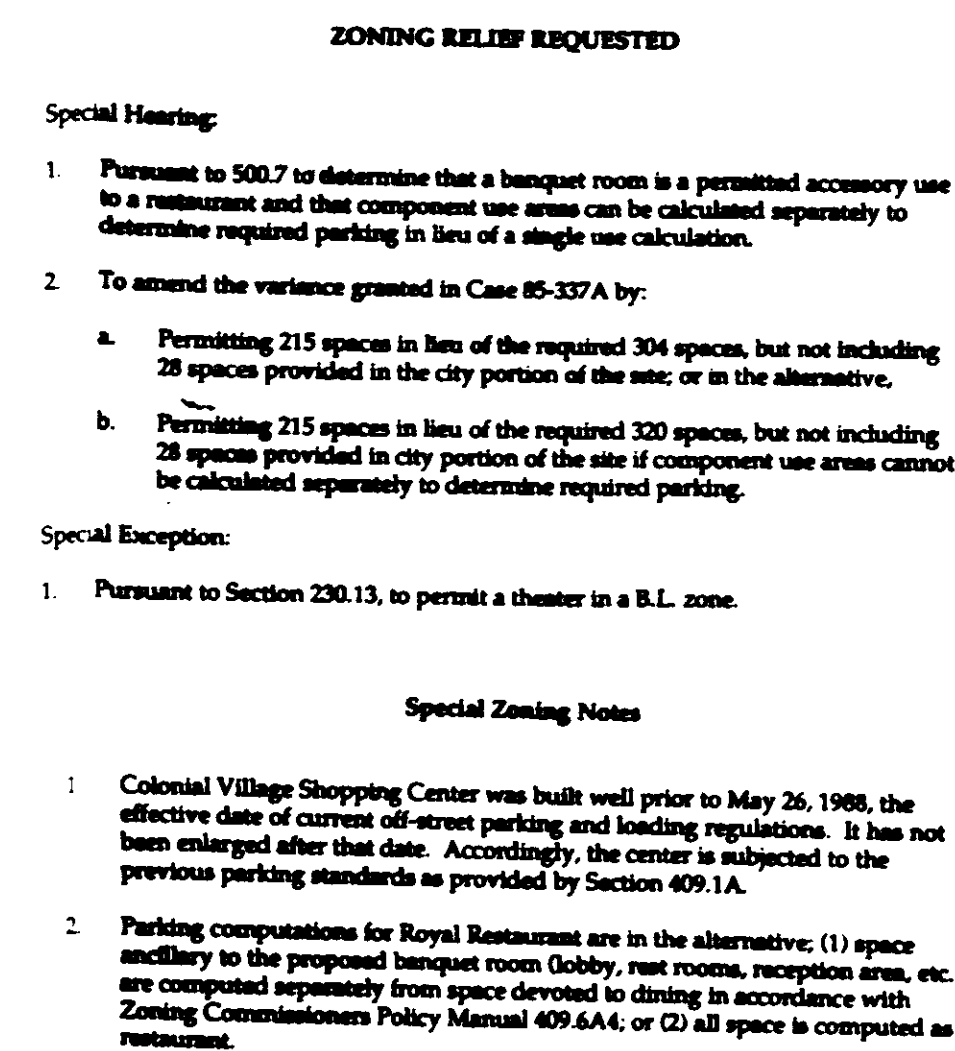


P. Interior Tree scope

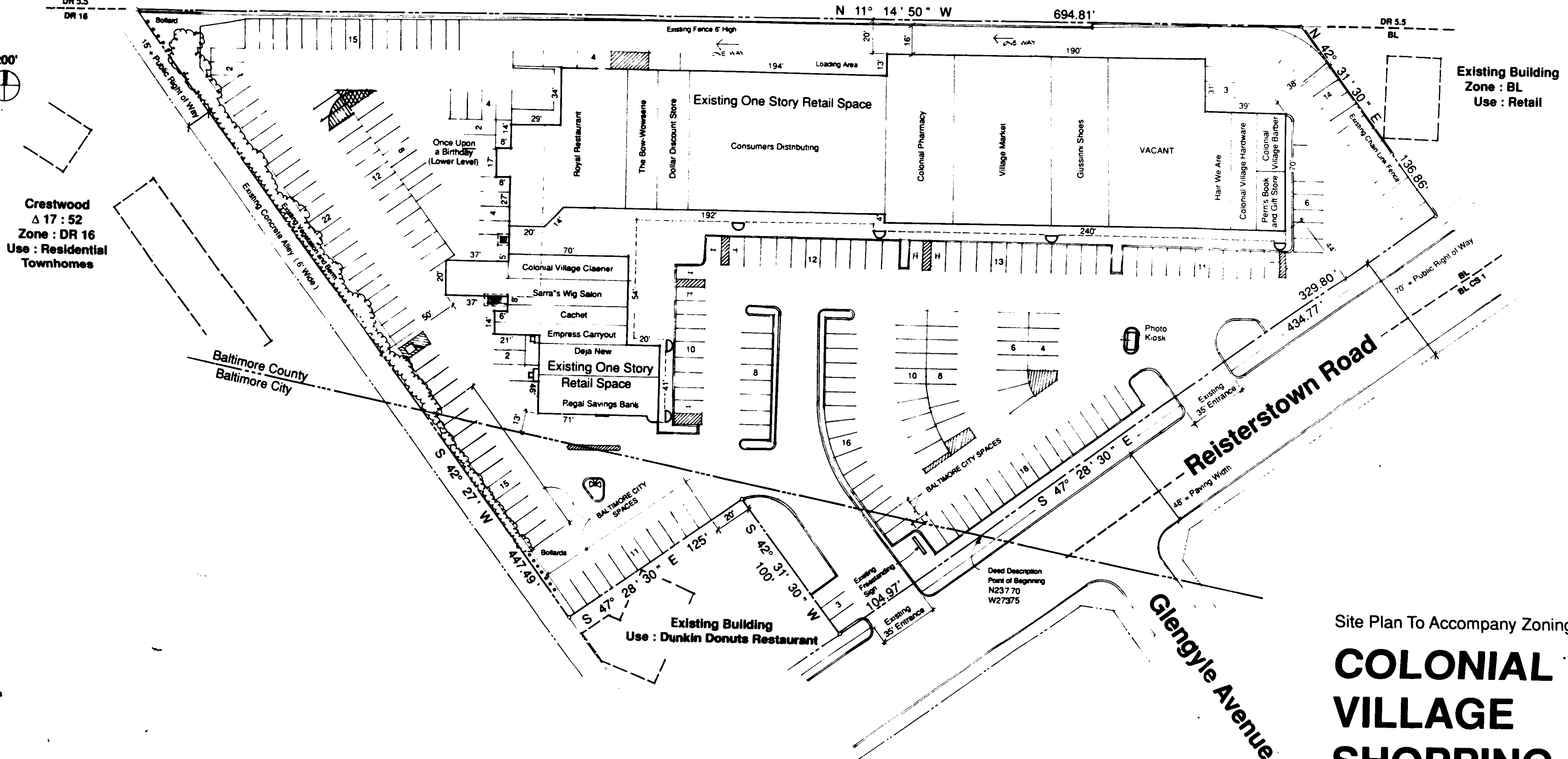
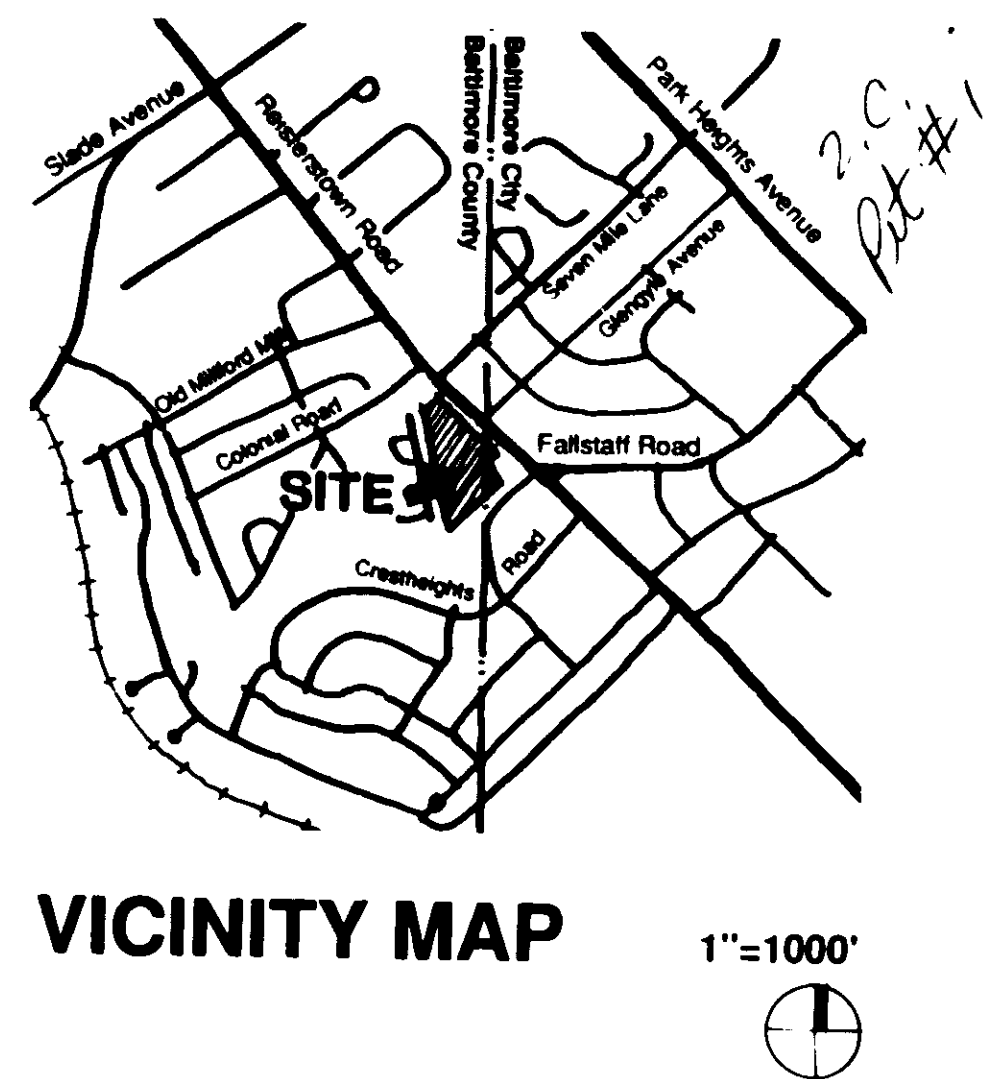
Colonial Village



Q. SE/C looking toward City Line Entrance



COLONIAL VILLAGE SHOPPING CENTER PARKING CALCULATIONS				
SIZE	TENANT NAME	USE	STANDARD	REQUIRED SPACES
1,466	Regal Savings Bank	Neighborhood banking services	1 : 200 SF	7.33
1,274	Dog King	Clothing/consignement	1 : 200 SF	6.37
760	Empress Carryout	Chinese carry out food	1 : 200 SF	3.80
1,085	Calet's	Salt/season	1 : 200 SF	5.43
1,035	Serra's Wig Salon	Salon of ladies wigs	1 : 200 SF	5.18
1,035	Colonial Village Cleaner	Dry cleaner	1 : 240 SF	4.32
5,279	Royal Restaurant	Kitchen restaurant and banquet room (4250 SF)	1 : 60 SF	86.17
		Bar/lounge space (506 SF)	1 : 100 SF	5.06
				91.53
				90.00 (with separate use areas) 17.05 (with 100 ft. use areas)
1,639	Bow-Wowmore	Pet grooming/sale of related items	1 : 200 SF	8.20
1,682	Dollar Discount Store	Sale of variety items from all vendors	1 : 200 SF	8.41
10,412	Consumers Distributing	Catalogue sales	1 : 200 SF	52.06
2,865	Once Upon A Burlesque	Children's parties and theatrical shows	1 : 200 SF	14.33
1,440	Colonial Pharmacy	Pharmacy	1 : 240 SF	6.00
5,875	Village Market	Natural grocery store	1 : 200 SF	29.38
1,840	Goodies Shop	Sale of shoes	1 : 200 SF	9.20
1,481	VACANT		1 : 200 SF	7.41
1,120	Hair We Are	Salon/consignment associated with hair cutting and styling	1 : 240 SF	4.67
1,120	Colonial Village Hardware	Hardware store	1 : 200 SF	5.60
960	Tom's Book & Gift Store	Sale of books, toys and gifts	1 : 200 SF	4.80
120	Colonial Village Barber	Barber shop	1 : 400 SF	0.30
36	Therapeutic	Physical processing	1 : 400 SF	0.09



NOTES

1. **Property Address :**
7002 Reisterstown Road
Baltimore, MD 21215
2. **Site Area :**
4.1 Acres +
3. **Zoning History :**
Zoning Case 65-337A. On June 13, 1985 the Zoning Commissioner granted a variance to permit 222 Parking Spaces instead of the required 243 spaces with the following restriction:

The Petitioner shall prevent vehicle access to the center from the alley bordering the south property line that traverses both the city and the county.
4. **Owner :**
Colonial Village Company
c/o The Fedder Company
514 North Crain Highway
Glen Burnie, MD 21061
(410) 768-4100
5. **Public Water/Sewer and Storm Drain facilities serve the site. Their locations are not shown and not relevant to this petition to amend a previously granted parking variance.**
6. **Floor Area Ratio :**
50,906 S.F. + / 197138 S.F. + = 0.26 F.A.R., 3.0 FAR Permitted.
8. **The Basic Information shown is taken from the Site Plan to Accompany Zoning Variance Request dated March 8, 1988 prepared by others.**
9. **All signs comply with Section 413 of the B.C.Z.R.**
10. **No Building will exceed the permitted 40' height.**

Site Plan To Accompany Zoning Variance

COLONIAL VILLAGE SHOPPING CENTER

ELECTION DISTRICT 3 COUNCILMANIC DISTRICT 2
Baltimore County Maryland

Prepared For :
Colonial Village Company
Prepared By :
Daft McCune Walker Inc.
SCALE 1" = 30'
DATE : JULY 21, 1992
WWW PROJECT 0 009A
REvised August 1992

Revised to accommodate
traffic comments.
Space marked in red
were removed for
tractor trailer turning
template